



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 11, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-150) for alterations and an addition at **829 Virgil Street** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Ute Banse
1077 Alta Avenue, NE

Facts: According to the Inman Park survey book, this dwelling built in 1925 is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to all properties located within the Inman Park Historic District.

Section 16-20L.005 General Regulations.

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
 - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

- vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - c. Compatibility Rule: The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
- 2. Certificates of Appropriateness.
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be required for:
 - ii. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- 6. Tree Preservation and Replacement.
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

Section 16-20L.006. Specific Regulations for Inman Park Core District, Subarea 1.

In the Inman Park Core District, Subarea 1, the Commission shall apply the standards referenced in Section 16-20L.005(1)(b) only if the standards set forth below in this Chapter 20L do not specifically address the application:

- 1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
 - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:

- i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
2. *Setback requirements:*
- b. *New additions to existing structures:* The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

Site

According to the site plan submitted, this interior lot fronts 33.57’ on Virgil Street and has a depth of 99.79’ on its longest side. In looking at the City records, there is a slight discrepancy with the lot dimensions. Staff suggests the Applicant contact the Office of Planning subdivision Staff to resolve the lot dimension discrepancy.

Per regulations, the side yard setback of the proposed addition can be no closer to the setbacks than the existing house. Staff finds the proposed addition is no closer to the setbacks than the existing house. Staff finds the proposed addition meets the side yard setback requirements. The rear yard setback requirement is based on the compatibility rule. According to the Applicant, the rear yard setbacks on the block face range from 30’ to 62.7’. The proposed rear yard setback is 32.5’ and therefore meets the rear yard setback requirement.

There is a condenser unit indicated on the site plan. The height of the condenser is unknown. If the condenser is above 30”, it must meet the setback requirements. Staff recommends the Applicant provide documentation the condenser is either below 30” or that it meets the setback requirements.

Per regulations the floor area ratio (FAR) can be no more than .50. According to the plans the FAR is .37 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage existing lot coverage is 52% and therefore meets the lot coverage requirement.

New Additions and Alterations

The Applicant is proposing a new rear addition. The overall design, height, massing and materials of the proposed addition are appropriate and compatible with the existing house. The retention of the existing corner boards, the change in façade material and the simplified window design will help differentiate the addition from the existing historic house.

The Applicant is proposing to add one skylight to the existing house and four skylights to the addition. According to the Applicant, the skylights cannot be seen from a public right-of-way or park. It is not clear from the pictures submitted that the skylights will not be visible. Staff recommends the Applicant provide documentation the skylights cannot be seen from a public right-of-way or park.

On the existing house, the Applicant is proposing to repair the windows, siding and roof. Staff has no concerns regarding the repair of the existing windows, siding and roof. The Applicant is proposing to remove the existing exhaust pipe and relocate the condenser unit. As previously mentioned, Staff has concerns regarding the setback of the condenser unit. Staff has no concerns regarding the removal of the exhaust pipe. The Applicant is proposing to add a porch railing on the front of the house. Given the height of the foundation, Staff has no concerns regarding the installation of a porch railing. Staff finds the design and material of the new railing is appropriate.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20L.006, with the exceptions noted above;

Staff recommends approval of the Application for a Type III Certificate of (CA3-14-150) for alterations and an addition at **829 Virgil Street** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the condenser is either below 30" or that it meets the setback requirement, per Section 16-20L.006(2);
2. The Applicant shall provide documentation the skylights cannot be seen from a public right-of-way or park, per Section 16-20L.006(1)(q)(x); and
3. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT

June 11, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-151) for alterations and site work at **642 Home Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Robert Platt
3144 Parkridge Crescent, Chamblee

Facts: The 1940s contributing building generally appears un-altered from its original condition, though a large deck has previously been added to the rear of the house.

The Applicant proposes to:

1. Replace an existing window with a bay window on the front façade;
2. Add a bay window to the right side façade behind the right side wing;
3. Remove the existing rear deck and construct a rear addition with a new rear deck;
4. Relocate and enlarge windows on the left side façade; and
5. Building a two (2) space parking pad in the front yard next to the existing walkway.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(1) General Criteria.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) Certificates of Appropriateness.

- c. Type III Certificates of Appropriateness shall be required for:
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
- d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) Development Controls.

- a. Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. Rear Yard: Rear yard setback shall be seven feet.
- d. Off-street parking and driveway requirements:
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) Architectural Standards.

- A. Statement of Intent. The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- B. Design Standards and Criteria for New Principal Structures.
 1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
 9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
- D. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

The alterations to the right and left side façades are not subject to review under the District regulations as they are located on facades that do not face a public street.

The rear addition meets the setback requirements of the District. Otherwise, the design requirements of the District regulations do not apply to a rear addition. The deck that is part of the addition also meets the setback and location requirements of the District.

Regarding the installation of the bay window on the front façade, the Staff finds that this alteration is not consistent with nor does it reinforce the historic architectural character of the entire house, which the Staff finds to be a good example of an “American Small House”. Such houses are identifiable by the rectangular box-like massing, simple hipped or gabled roof lines, and basic window and door configurations (including single and paired double hung and picture windows). Further, the proposed alteration could destroy historic materials (i.e. the existing window) and isn’t compatible with the architectural features of the property. As such, the Staff finds that the front façade alterations don’t meet either of the design alternative allowed by the District regulations.

The Staff would recommend the front façade window alterations are removed from the proposed design or redesigned to meet the District regulations.

Regarding the two (2) space parking pad in the front yard, the District regulations prohibit parking in the front yard. The Staff would recommend the parking pad in the front yard be removed from the proposed design.

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-14-151) for alterations and site work at **642 Home Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline, with the following conditions:

1. The front façade window alterations shall be removed from the proposed design or redesigned to meet the District regulations, per Section 16-20K.007(2)(D);
2. The parking pad in the front yard shall be removed from the proposed design, per Section 16-20K.007(2)(d); and
3. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



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STAFF REPORT

June 11, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-152) for signage at 171 Auburn Avenue – Property is zoned Martin L. King, Jr. Landmark (Subarea 5).

Applicant: Melissa Hylton / Home Reality, Inc.
171 Auburn Avenue, #7

Facts: The subject building is a two-story, brick, contributing building to the District that was substantially renovated several years ago as part of the construction of the multi-family project known as “Renaissance Walk”. The proposal before the Commission at this time is to add vertical, projecting sign to the front of the building / business space just above the entrance to the business.

The Staff would add that as of the date of the Commission meeting, the proposed comprehensive revisions to the District regulations contained in Z-14-09 will have been enacted by the City and thus would apply to this project. This would include the inclusion of the Edgewood Avenue corridor and the Auburn Avenue corridor in one Subarea 4, combining the former Subareas 4 and 5.

Analysis: The following code sections apply to this application:

Per Section 16-20.007:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark Districts:
 - a. To change the exterior appearance of any structure within any Landmark District.

Per Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6.

Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

Per Section 16-28A.010:

(27) M.L. King, Jr. Landmark District. The following signs shall be permitted in the M.L. King, Jr. landmark district:

- a. General Regulations: Notwithstanding any other individual district standards, all signs within the M.L. King, Jr. landmark district shall be subject to the following general regulations:
 - (1) No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 - (2) No freestanding signs shall be permitted in the M.L. King, Jr. landmark district.
 - (3) No monument signs shall be permitted in the M.L. King, Jr. landmark district.
 - (4) No LSVD signs shall be permitted in the M.L. King, Jr. landmark district.
 - (5) No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the Commission of a Certificate of Appropriateness as specified in Chapter 20 of this part.
 - (6) Signs provided for contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.
 - (7) Signs provided for non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the district.
- e. Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4): The sign regulations for Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4) shall be the same as the regulations for the SPI-1 (Downtown) district provided that:
 - (1) No individual sign shall exceed 100 square feet in sign area.
 - (2) No projecting sign shall exceed eight (8) square feet in sign area.
 - (3) Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 - (4) Signs shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper façade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 - (5) Changing signs shall be prohibited.

As noted above, the SPI-1 (Central Core) sign requirements apply to this subarea of the District.

There is no scale indicated on the renderings submitted by the Applicant. No specific design plan was included for the sign itself, though the renderings indicate a sign that is 26" tall, 36" wide and located 108" off the sidewalk. The Staff would recommend a scaled drawing of the proposed projecting sign be submitted to the Staff for final review to confirm that all sign dimensions meet the District regulations.

Number of Signs

According to the SPI-1 and District regulations, three business identifications signs are permitted for each business establishment, including projecting signs. There are no other signs indicated in the renderings, so the one projecting sign meets the District regulations. The Staff has no concerns about the number of signs at the property.

Size of Signs

For the proposed projecting sign, the smallest rectangle that encompasses the entire sign message is considered the sign area. Taking into account the specific dimensions listed on the rendering, the total

sign area would appear to be 6.5 sq. ft. The District regulations limit the size of projecting signs to 8 sq. ft. The sign area is less than what is allowed by the District's sign regulations.

Location, Materials, Design, and Compatibility of Signs

The sign's location above the entrance to the business meets the Districts regulations.

The renderings do not indicate the materials of the proposed projecting sign, so a final determination regarding the compatibility of the sign material cannot be made at this time. Given the lack of detail in the provided rendering it is not clear the actual design of the sign. The Staff would recommend that a detailed design be submitted to the Staff for final review to confirm that the sign design is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.

The Staff would also recommend that the sign's mounting brackets/hardware be secured to the mortar of the building, not the masonry. Mounting the signs in this manner will eliminate damage to the masonry itself, which is much more permanent and difficult to remedy than holes in masonry mortar.

Staff Recommendation: Based upon the following:

1. Except as noted above, the projecting sign meets the sign regulations for the District, per Section 16-20.009 and Section 16-28A.010(27)(f).

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-14-152) for signage at **171 Auburn Avenue** – Property is zoned Martin L. King, Jr. Landmark (Subarea 5), with the following conditions:

1. A scaled drawing of the proposed projecting sign and front elevation shall be submitted to the Staff for final review to confirm that all sign dimensions meet the District regulations, per Section 16-28.010(27);
2. A detailed design shall be submitted to the Staff for final review to confirm that the sign design is compatible with the design, materials and general character of signage from the time period of historical significance for the structure, per Section 16-28.010(27);
3. The sign's mounting brackets/hardware shall be secured to the mortar of the building, not the masonry, per Section 16-20.009(6); and
4. The Staff shall be authorized to work with the current Applicant and approve (if appropriate) any revised signage proposals for the subject property that utilize similar materials and that otherwise meet all of the District and Subarea 4 sign regulations, without further review by the Commission.



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STAFF REPORT
June 11, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-153) for alterations at 340 Auburn Avenue - M. L. King, Jr. Landmark District (Subarea 4).

Applicant: Ben Allen
858 Ashland Avenue

Facts: The existing two-story, brick building is located on the north side of Edgewood Avenue and was constructed in 1910. It is considered contributing to the District. The Applicant has provided a more detailed description of the building in their application package.

The Applicant proposes to:

1. Re-point portions of the brick to match the good portions of the brick;
2. Clean the entire building;
3. Brick-up several existing openings on the east and north elevations;
4. Remove one bay of the balcony along the rear elevation;
5. Re-roof the entire building and remove the rear parapet wall to allow for drainage directly into a new gutter system;
6. Replace all three storefront opening systems with new, painted, metal systems and triangular shaped awnings;
7. Replace all upper level windows with one-over-one wood windows with the exception of some fire-rated windows on the upper level of the rear façade, which will be metal;
8. Replace all exterior doors in the storefronts with commercial, metal doors, and on the rear façade with metal flush panel doors;
9. Installation of a dumpster and concrete dumpster pad will be located in the rear loading area; and
10. Reconfigure the rear ramp and platform access to allow ADA access to the two western-most storefront faces.

The Staff would add that as of the date of the Commission meeting, the proposed comprehensive revisions to the District regulations contained in Z-14-09 will have been enacted by the City and thus would apply to this project. This would include the inclusion of the Edgewood Avenue corridor and the Auburn Avenue corridor in one Subarea 4, combining the former Subareas 4 and 5.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
 - a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

- iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
- b. Type II Certificates of Appropriateness.
 - ii. Type II Certificates reviewed by the Commission. All required Type II Certificates of Appropriateness not listed above shall be reviewed by the Commission. In addition, the following shall be reviewed by the Commission as a Type II Certificate of Appropriateness:
 - (1.) Alterations to any façade of any principal structure; and
 - (2.) All site work, except as noted in Section 16-20C.004(3)(b)(i)(7).
- 10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

- 1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Assisted living facilities	X	X	SUP	SUP
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use	X	X	X	P
Multi-family dwellings	X	X	P	P
Personal care homes	P	P	P	P
Single-family dwellings	P	P	P	P
Supportive housing	X	X	P	P
Two-family dwellings	P	P	P	P
NON-RESIDENTIAL USES				
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	P *	P	P
Bakeries and catering establishments	X	P *	X	P
Banks, savings and loan associations, and similar financial institutions	X	X	X	P
Barber shops and beauty shops	X	P *	X	P
Bed and breakfast inns	X	P #	P	P
Business or commercial schools	X	X	X	P
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	X	P
Child care centers, kindergartens and special schools	X	X	X	P
Churches, synagogues, temples, mosques, other places of worship	X	P ^	P	P

Clubs and lodges	X	X	P	P
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TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
NON-RESIDENTIAL USES				
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings	X	X	P	P
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X
Drive-in and drive-through facilities	X	X	X	X
Eating and drinking establishments	X	P *	X	P
Farmers markets	X	X	P	P
Grocery stores	X	P ^	X	P
Hospitals	X	X	X	P
Hotels and motels	X	X	P	P
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	X	P
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	P *	X	P
Market Gardens	X	X	P	P
Mortuaries and funeral homes	X	X	X	SEP
Offices and studios	X	P *	P	P
Clinics (including veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	X	P

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
NON-RESIDENTIAL USES				
Park-for-hire surface parking lots	X	X	SUP @	SUP @
Park-for-hire parking structures	X	X	P	P
Poolrooms, billiard parlors	X	X	X	SEP
Printing and blueprinting shops	X	X	X	P
Professional or personal service establishments but not hiring halls	X	P *	X	P
Public schools or private schools having similar academic curricula and special schools for	X	X	P	X

exceptional children				
Rehabilitation centers, nursing homes	X	X	SUP	SUP
Repair establishments for home appliances, bicycles, lawn mowers	X	X	X	P
Retail establishments, including delicatessens	X	P *	X	P
Roof antennas	X	X	P %	P %
Service stations	X	X	X	P
Shelter	X	X	SUP	SUP
Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	X	X	P	X
Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area	X	P *	X	P
Temporary commercial activities	X	X	X	P
Trade schools, colleges, universities	X	X	X	P
Urban Gardens	SAP ^{&}	SAP ^{&}	P	P
NOTES				
# Bed and breakfast uses in Subarea 2 shall comply with the use restrictions of 16-20C.005(2)(b).				
@ Park-for-hire surface parking lots shall comply with the use restrictions of 16-20C.005(3)(c).				
% Roof antennas and similar uses shall comply with the use restrictions of 16-20C.005(3)(d).				
* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.				
^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.				
& On an undeveloped lots.				

3. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 3 and 4.

- a. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
- e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
 - i. Drive-in and drive-through facilities.
 - ii. Parking and driveways.
 - iii. Accessory non-residential storage areas.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.

c. Required Open Space.

- i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
- ii. Required Usable Open Space shall be provided equal to five (5) percent of the total floor area dedicated to multi-family use.
- iii. Required Usable Open Space shall be satisfied only through the use of the following elements: yards, sidewalks, plazas, parks, landscaped areas, porches, balconies, or rooftops decks or gardens.

3. The following additional Yards provisions shall apply to Subareas 3 and 4.

- a. Front, Rear and Side Yards. All front, rear and side yards for this Subarea shall be established through the compatibility rule, except that zero-lot-line side yards shall be permitted as a minimum side yard allowance regardless of the compatibility rule application.

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.

a. Building Compatibility.

- i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
- iii. Fiberglass roofs shall be prohibited.

b. Fenestration.

i. The compatibility rule shall apply to the following aspects of fenestration:

- (1) The style and material of the individual window or door.
- (2) The size and shape of individual window and door openings.
- (3) The overall pattern of fenestration as it relates to the building façade.
- (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.

iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

c. Landscaping.

i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.

ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.

d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.

i. All dumpsters shall be concealed with walls six (6) feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and shall not be visible from any public street.

ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.

iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.

iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.

v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.

3. The following Design Standards provisions shall apply to Subareas 3 through 4.

a. Facades.

i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.

ii. Covering of the original façade shall not be permitted.

iii. Painting of unpainted building materials and masonry is prohibited.

iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.

v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.

vi. Cornice lines shall cap all building facades and shall consist of sheet metal, brick, cast concrete or terra cotta materials.

b. Active uses (See Sec. 16-20C.005(3)(e))

i. Active uses shall be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.

ii. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.

d. Fenestration.

- i. A minimum of 60 percent of the length of the building façade shall contain fenestration.
- ii. Sidewalk-level development without fenestration shall not exceed a maximum length of 10 feet of façade.
- iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

e. Illumination and Security Features.

- i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
- ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.

f. Awnings and Canopies.

- i. Original awnings and canopies shall be retained.
- ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
- iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.
- iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
- v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
- vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
- vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building shall be similar in shape and configuration.
- ix. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.

- a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit
All other Residential and Dwelling Uses	The greater of: 2 spaces or 1 space for every 5 residential units	None	No more than 50 spaces required	2.5 spaces for every 1 residential unit
Non-Residential Uses	The greater of: 2 spaces or 1 space for every 4,000 square feet of floor area	None	No more than 50 spaces required	2.5 spaces for every 1,000 square feet of floor area

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
- ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
- b. Surface Parking.
 - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.

- ii. When authorized, park-for-hire surface parking lots shall be prohibited from being located within 65 feet of any public street frontage.
- c. Screening for Non-Residential and Multi-family Uses.
 - i. All surface parking regardless of the number of parking spaces provided, shall comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.
 - ii. Screen wall extensions shall be permitted when surface parking is directly adjacent to a public sidewalk and additionally shall:
 - (1) Be located predominantly parallel and congruent with the adjacent building façade;
 - (2) Be a minimum height of ten (10) feet and a maximum height of 12 feet;
 - (3) Be a minimum of 50 percent permeable or articulated to avoid blank walls; and
 - (4) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
- 3. The following regulations shall apply to driveways and curb cuts within the district.
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

General Development Controls and Uses

Multifamily residential and a variety of commercial uses are permitted in the Subarea. The ground-floor sidewalk level is proposed for active uses for the required depth.

No off-street parking is required, but bicycle parking is required. The Staff would recommend that the Applicant document compliance with the bicycle parking regulation. No new curb cuts, driveways or off-street parking is proposed.

Multifamily residential uses require usable open space (equivalent to 5% of the floor area dedicated to the multifamily) which was to be satisfied through the following types of spaces: “yards, sidewalks, plazas, parks, landscaped areas, porches, balconies, or rooftop decks or gardens.” The Staff would recommend the Applicant document compliance with the required usable open space regulation.

None of the setbacks of the building are changing, given that the building will remain and significant portions of the rear balcony / stair / platform system will remain.

Re-point portions of the brick to match the good portions of the brick.

The Staff would recommend that all repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color, texture, and joint width and profile.

Clean the entire building.

The Staff has no concerns about the pressure washing of the building at low-pressure with soap and water, but no acid.

Brick-up several existing openings on the east and north elevations.

While the Staff would rather that the window openings are retained and window units are installed, it is the Staff's understanding that these enclosures are required to meet building and fire code requirements. On the east façade, this is due to the proximity of the façade to the property line and on the rear façade this is due to the relationship between the openings and the property line and fire egress path, which is provided by the balcony system. Given these requirements, the Staff concurs with the technique of the enclosure proposed by the Applicant. This technique will make it clear that an opening previously existed, will maintain the pattern of fenestration and could be removed in the future without unnecessarily damaging the surrounding brick.

Remove one bay of the balcony along the rear elevation.

The Staff has no concerns about the removal of the eastern portion of the balcony given that the vast majority of the balcony will remain and provide access to both the lower and upper levels.

Re-roof the entire building and remove the rear parapet wall to allow for drainage directly into a new gutter system.

The Staff has no concerns about re-roofing the entire building. The Staff is concerned about the removal of almost the entire rear portion of the parapet wall. While it is clearly a secondary and utilitarian feature of the building, the rear parapet wall did provide screening to the roof system and provided an architectural cap to the rear façade. While the Staff appreciates the need in providing a manageable roof drainage system, it is concerned about the loss of historic fabric. In the engineer's letter cited by the Applicant, the engineer notes that there is another solution that allows for some of the parapet wall to remain. The Staff would recommend that an alternative design to the complete removal of the rear parapet wall be included in the proposed design.

Replace all three storefront opening systems with new, painted, metal systems and triangular shaped awnings.

Replace all exterior doors in the storefronts with commercial, metal doors, and on the rear façade with metal flush panel doors.

While the Staff does not have concerns about the proposed storefront design and materials, the Staff does want to confirm that the existing storefront systems, especially those on the two eastern most bays are not original or historic to the building. As such, given that later alterations to the building could be considered historic alterations to the building, the Staff would recommend that the Applicant provide additional, color, hardcopy photographs of the existing storefront systems to document that they are not original or historic to the building.

The Staff does not have any concerns about the proposed fabric awnings, though it is not clear that they meet the clearance distance requirements above the sidewalk. The Staff would recommend the Applicant document compliance with the clearance above the sidewalk of the awnings.

No exterior lighting is proposed as part of the storefront system replacement.

Replace all upper level windows with one-over-one wood windows with the exception of some fire-rated windows on the upper level of the rear façade, which will be metal.

The Applicant notes that the upper level windows are "modern aluminum". Given that later alterations to the building could be considered historic alterations to the building, the Staff would recommend

additional documentation be provided (including photographs of the existing windows) to confirm their date of installation and exiting conditions.

If the documentation supports the existing windows replacement, the Staff has no concerns about the proposed design or material of the windows.

Installation of a dumpster and concrete dumpster pad will be located in the rear loading area.

The plans do not specify the location of the dumpster or the design of the required dumpster enclosure. The Staff would recommend the dumpster, location, design, and enclosure meet the District regulations.

Reconfigure the rear ramp and platform access to allow ADA access to the two western-most storefront faces.

The Staff has concerns about this component of the project.

Staff Recommendation: Based upon the following:

1. The design, components, and materials of the proposed alterations meet the District regulations, per Section 16-20C.004, Section 16-20C.005, Section 16-20C.006, Section 16-20C.007, Section 16-20C.008, and Section 16-20C.009, except as noted above.

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-14-153) for alterations at **340 Auburn Avenue** - M. L. King, Jr. Landmark District (Subarea 4), with the following conditions:

1. The Applicant shall document compliance with the bicycle parking regulation, per Section 16-20C.009;
2. The Applicant shall document compliance with the required usable open space regulation, per Section 16-20C.007(1)(c);
3. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color, texture, and joint width and profile, per Section 16-20C.008(3)(a);
4. An alternative design to the complete removal of the rear parapet wall shall be included in the proposed design, per Section 16-20C.004(1)(b);
5. The Applicant shall provide additional, color, hardcopy photographs of the existing storefront systems to document that they are not original or historic to the building, per Section 16-20C.004(1)(b);
6. The Applicant shall document compliance with the clearance above the sidewalk of the awnings, per Section 16-20C.008(3)(f);
7. Additional documentation shall be provided about the windows (including photographs of the existing windows) to confirm their date of installation and exiting conditions, per Section 16-20C.004(1)(b);
8. The dumpster, location, design, and enclosure shall meet the District regulations, per Section 16-20C.008(1)(d); and
9. The Staff shall review, and if appropriate approve, the final elevations, plans, specifications, and supporting documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0303
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 11, 2014

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-14-154) for alterations, an addition, and site work at **1421 Fairview Road**– Property is zoned Druid Hills Historic District.

Applicant: Eric Rothman
807 Church Street, Decatur

Facts: According to the District inventory sheet and architectural survey in 2002, the house was built in 1923 and is contributing to the district.

The Applicant proposes to:

1. Replace all of the ground level windows and doors on the front elevation and other windows on other elevations;
2. On the left (east) side porch, remove the jalousie windows and replace with screening;
3. On the right (west) side of the house, reduce the size of the trellis and patio by removing and rebuilding the right hand edge of the patio, cutting down the existing trellis members as needed, rebuilding a rear facing stair off on the patio, and adding a iron railing;
4. On right (west) elevation, remove a door and window and “ghost” in their shape with recessed brick work, and add two transom windows;
5. On the left (east) elevation, add a new paired, casement window to the ground level towards the rear of the house;
6. Demolish a previous rear addition, a rear octagonal bay, a rear deck/porch (i.e. “catwalk”), and a lower rear deck;
7. Add a three story rear addition, with a basement garage, clipped gable roof, shed dormers, rear porch, and smaller extension on the western portion of the rear elevation;
8. On the existing front driveway, add a brick border;
9. Remove the existing paved area around the right (west), rear corner of the house and replace with a new circular motor court; and
10. Add a set of site stairs from the new motor court to the rear yard.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark buildings and sites:
 - (b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater... Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- 1. Minimum off-street parking requirements:
 - a. Off-street parking will not be permitted in any front yard nor in any side yard within 50 feet of a street line, except for Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this parking regulation, the front yard shall be that area between the street line and the forward line of the principal structure.
 - b. No off-street parking shall be located within 20 feet of any lot line except as may be authorized by the Atlanta Urban Design Commission under section 16-20B.004(6).
- (3) Minimum landscaping requirements: The overall quality of the landscaped area visible from public ways should be preserved as an integral part of the historic character of Druid Hills, and the following regulations shall apply to all parcels located within the district:
 - a. A certificate of appropriateness shall be required for the clearance or removal of any tree with a caliper of four (4) inches or greater and shrub massings or hedges over three (3) feet high.
 - b. All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site which are cleared for any reason, shall be replaced with trees having a minimum caliper of one and one-half (1 ½) inches.
 - c. A certificate of appropriateness shall be required for any major change in the landscape which is visible from the public right-of-way. Removal or changes in topography, walls (retaining or freestanding), and fences shall constitute a major change.
 - e. Any construction in the Druid Hills Landmark District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the district. Landscape changes visible from the public right-of-way shall require a Certificate of Appropriateness and shall follow the standards set forth by the Secretary of the Interior. These standards, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, are designed to assist individual property owners in the formulation of plans for maintenance and continued use of historic properties and landscapes."
- (4) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - a. No structure shall be permitted within any 100-year floodplain.
 - b. No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - c. No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (5) Minimum architectural controls: Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation
REHABILITATION IS DEFINED as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.005. Fairview Road regulations.

The following regulations shall apply to any proposed development on any property located on Fairview Road:

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 6. South side, Oakdale road to east end of Fairview Road, NE:
 - Front yard: 50 feet.
 - Side yards: 25 feet.
 - Rear yards: 100 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

The Commission reviews alterations to any structure within the district, whether or not the alterations can be seen from the public right-of-way.

General Site Requirements

The lot fronts about 110' on the south side of Fairview Road and has a depth of about 373' on its longest side. The site plan included with the submission notes incorrect setbacks. While there are no components of the project that would be affected by the front yard (due to no additions) or rear yard setbacks (due to the addition or extension not being close to the setback line), the side setbacks are integral to the project. Per the District regulations, the side yard setback shall be no less than 25'. It appears that the smaller extension on the west side of the rear elevation and portions of the reconfiguration of the patio/trellis/stairs could violate the 25 ft. setback requirement along the west property line. Along the east property line, the main addition appears to meet the side yard setback requirements. The Staff would recommend that the Applicant document that the project meets all setback requirements or the project shall be reconfigured to meet all setback requirements.

Per the district regulations, the lot coverage can be no more than 35%. The proposed lot coverage is indicated on the site plan as 22.3% which meets the District regulations.

There are no notes on the proposed site plan regarding the relationship to the 100 year flood plain. The Staff would recommend the Applicant document that none of the proposed work will occur within the 100 year flood plain.

It is not clear from the site plan if any new portion of the house (the addition, extension, or re-configured patio, etc.) will be located on a slope greater than 25%. The Staff would recommend the Applicant document that no new portion of the house is located on a slope greater than 25%.

It appears that trees will be affected by the proposed work, given the addition's footprint and the proposed site work. The site plan appears to indicate compliance with the City's regular tree ordinance requirements, but does not indicate compliance with the tree replacement requirements specific to the District. The Staff would recommend the District's tree-related requirements are met.

Project Components

Replace all of the ground level windows and doors on the front elevation and other windows on other elevations.

The Applicant cites in their submission that the windows and doors are "in very bad shape" without adding any additional information. The Staff would recommend the Applicant provide a more detailed and comprehensive window/door assessment to document the condition of all of the windows and doors proposed for replacement on the house, the rationale for each replacement, and the proposed replacement components. Further, the Staff would recommend that any new windows or doors replacing original windows or doors replicate the original window or door in size, design, function, material, and have true divided lights.

On the left (east) side porch, remove the jalousie windows and replace with screening.

The Staff has no concerns about this component of the project.

On the right (west) side of the house, reduce the size of the trellis and patio by removing and rebuilding the right hand edge of the patio, cutting down the existing trellis members as needed, rebuilding a rear facing stair off on the patio, and adding a iron railing.

The Staff would generally agree that the existing trellis is a contemporary feature of the house. However, the Staff is somewhat concerned that the patio could be a resurfaced or rebuilt portion of the original house construction given it connects to the original door opening on the side of the house. At the same time, the stone facing on the foundation wall for the patio is contemporary and the use of PVC drain piping would suggest extensive work on the patio, even if it was original or historic to the house. Further, the proposed change in the patio configuration will have a limited effect on the overall historic character of the house.

In summary, the Staff does not have concerns about these components of the project.

On right (west) elevation, remove a door and window and "ghost" in their shape with recessed brick work, and add two transom windows.

While ghosting is an appropriate way to demarcate a former window or door opening, the Staff is first concerned about the loss of the window and door themselves. The Applicant notes that these elements are being removed due to "the function of the interior space" which appears to be a bathroom and closet. While the Staff appreciates the functionality of those spaces, it finds that there might be alternative design solutions that would either retain the windows and doors in place with a different functionality or at least retain the openings, though maybe smaller in size. The Staff would recommend the door and

window changes to the right (west) elevation be redesigned to retain the existing or similar openings in place.

The Staff is also concerned about the use of the very high, horizontally oriented “transom” windows on the rear portion of the right side of the house. While this proposed element would certainly be differentiated from the original elements of the house it also needs to be compatible, which the Staff finds it is not. The Staff would recommend that the transom windows on the right side of the house be replaced with a window configuration that is more compatible, but still differentiated from, the original architectural elements of the house.

On the left (east) elevation, add a new paired, casement window to the ground level towards the rear of the house.

The Staff has no concerns about this component of the project.

Demolish a previous rear addition, a rear octagonal bay, a rear deck/porch (i.e. “catwalk”), and a lower rear deck.

While the Staff agrees that the previous rear additions and components are not original to the house, the Staff is concerned that they could be considered historic additions and obtained significance in their own right. They would appear to have been added at the same time as the rear facing dormer on the rear facing plane of the main roof. If the additions and components were added before the 1940s (the end of the period of significance of the District) they could be considered historic additions to the original house. Even if they could be considered historic additions to the original house, the Staff would also find that their removal would not diminish the architectural character of the existing house.

The Staff would recommend the Applicant provide more information about the previous rear additions and components of the house and document that if they could be considered historic how their removal would not diminish the architectural character of the existing house.

Add a three story rear addition, with a basement garage, clipped gable roof, shed dormers, rear porch, and smaller extension on the western portion of the rear elevation.

Generally speaking, the Staff has no concerns about the proposed addition and smaller extension. They will have a minimal effect on the exiting fabric of the house, are completely secondary to the existing house, have lower roof ridge lines, and use materials that are compatible with, but at the same time differentiated from, the existing house.

The Staff is concerned about the left (east) side of the addition, though. The main floor of the addition on that façade has no windows on either side of the new chimney. This creates a large expanse of blank wall is not compatible with the architectural style of the existing house. Further, the lack of windows on this portion of the addition gives the addition a monolithic appearance which is a significant contrast to the varied, asymmetrical, and multi-plane massing and appearance of the architectural style of the existing house. The Staff would recommend that the fenestration and/or detailing of the left (east) side of the addition be changed to be compatible with the existing house.

On the existing front driveway, add a brick border.

While the existing driveway would appear to be non-original to the property, the Staff has no concerns about this relatively minor revision to its design.

Remove the existing paved area around the right (west), rear corner of the house and replace with a new circular motor court.

The Staff has no concerns about the removal of the exiting paved area, but does have concerns about the motor court in relation to the requirement that no parking be permitted within 20 ft. of a side property line. The Staff does not consider a minimum paved area to turn cars around to be parking within 20 ft. of the lot line, but in this case it would appear that more than the minimum paved area to turn a car around has been proposed. The Staff would recommend the Applicant document that the paved area in front of the garage is the minimal area needed to turn around a vehicle.

Add a set of site stairs from the new motor court to the rear yard.

Notwithstanding its concerns about the motor court and the minimum paved area to turn a car around, the Staff has no concerns about the site stairs into the rear yard.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003 and 16-20B.006.

Staff recommends approval of the application for Type III Certificate of Appropriateness (CA3-14-154) for alterations, an addition, and site work at **1421 Fairview Road**– Property is zoned Druid Hills Historic District., with the following conditions:

1. The Applicant shall document that the project meets all setback requirements or the project shall be reconfigured to meet all setback requirements, per Section 16-20B.005(5);
2. The Applicant shall document that none of the proposed work will occur within the 100 year flood plain, per Section 16-20B.003(4)(a);
3. The Applicant shall document that no new portion of the house is located on a slope greater than 25%, per Section 16-20B.003(4)(b);
4. The District's tree-related requirements shall be met, per Section 16-20B.003(3);
5. The Applicant shall provide a more detailed and comprehensive window/door assessment to document the condition of all of the windows and doors proposed for replacement on the house, the rationale for each replacement, and the proposed replacement components, per Section 16-20B.003(5);
6. Any new windows or doors replacing original windows or doors shall replicate the original window or door in size, design, function, material, and have true divided lights, per Section 16-20B.003(5);
7. The door and window changes to the right (west) elevation shall be redesigned to retain the existing or similar openings in place, per Section 16-20B.003(5);
8. The transom windows on the right side of the house shall be replaced with a window configuration that is more compatible, but still differentiated from, the original architectural elements of the house, per Section 16-20B.003(5);
9. The Applicant shall provide more information about the previous rear additions and components of the house and shall document that if they could be considered historic how their removal would not diminish the architectural character of the existing house, per Section 16-20B.003(5);
10. The fenestration and/or detailing of the left (east) side of the addition shall be changed to be compatible with the existing house, per Section 16-20B.003(5);
11. The Applicant shall document that the paved area in front of the garage is the minimal area needed to turn around a vehicle, per Section 16-20B.003(1)(b);
12. The Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 11, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-155) for alterations at 471 Cherokee Avenue - Property is zoned R-5 / Grant Park Historic District (Subarea 1).

Applicant: Alison Fibben
471 Cherokee Avenue

Facts: The 1900s contributing building appears to be relatively unaltered from its original configuration. The Applicant proposes to “screen-in the existing deck”. As noted in their submission, “the deck is an existing structure with a partial roof that was there when we [the Applicant] purchased the house in 1993.” The construction of the deck in 1993 would pre-date the District’s creation.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

(1) *General Criteria.*

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) *Development Controls.*

- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven feet.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and

architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- B. Design Standards and Criteria for New Principal Structures.
 - 9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
 - 15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
- D. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
 - 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 - 2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

While the location of the proposed deck with a partial roof is grandfathered in as it predates the District's creation (a deck would not currently be allowed on the side of the house), it is not clear from the photographs provided what the deck with a partial roof currently consists of. The one photograph provided of the deck is dark and includes hand written graphics that would appear to either indicate where an existing roof framing system is or where a proposed roofing framing system would be to go from a partial to a fully roofed deck. The Staff would note that the survey included in the submission (which was prepared for the Applicant in 1993) indicates a "S/D" on the left rear corner of the house, which could mean "screened deck" though it is not clear if all the deck is screened.

Further, the Staff finds that if additional framing is needed to fully screen in the deck, those new structural elements must meet the District regulations, including all setback requirements.

The Staff would recommend the Applicant provide additional color, clear photographs and drawings of the existing conditions related to the deck and the partial roof.

The Staff would recommend that the Applicant provide drawings suitable for a building permit of the actual proposed work that will be required to screen-in the existing deck.

The Staff would recommend that any additional framing or alterations to the existing deck to screen it meet all District regulations, including all setback related requirements.

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-14-155) for alterations at 471 Cherokee Avenue - Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide additional color, clear photographs and drawings of the existing conditions related to the deck and the partial roof.
2. The Applicant shall provide drawings suitable for a building permit of the actual proposed work that will be required to screen-in the existing deck.
3. Any additional framing or alterations to the existing deck to screen it shall meet the District regulations, including all setback related requirements, per Section 16-20K.007(D); and
4. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 11, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-156) for alterations and additions at **551 Harwell Road (St. John of the Cross Catholic Church)** - Property is zoned R-3/Collier Heights Historic District.

Applicant: Shona Griffin
4000 Fert Heights Drive

Facts: According to the Collier Heights survey book, this church is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20Q.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to all properties located within the Collier Heights Historic District.

Sec. 16-20Q.005. General regulations.

The following general regulations shall apply to the Collier Heights Historic District.

(1) General criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
- b. In the Collier Heights Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20Q do not specifically address the application including but not limited to multifamily residential, institutional, commercial and mixed use structures:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall not be removed.

- iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
- iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
- vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and materials.
- vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) *Certificates of appropriateness.* Certificates of appropriateness within this district shall be required as follows:

(vi) The following shall require a Type III certificates of appropriateness which shall be reviewed by the commission:

- (a) All new principal structures;
- (b) Additions to principal structure;
- (c) Revisions to Type III certificate of appropriateness applications previously approved by the commission, conditionally or otherwise, including but not limited to changes in floor area ratio, lot coverage, setback, building footprint, or building height;

(3) *The compatibility rule.* In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face."

- (a) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
- (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (c) When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons shall be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the

comparison shall be made to a qualifying structure(s) on an adjacent block face or block, and if no such structure exists on an adjacent block face or block, the comparison shall be made to a qualifying structure(s) located in the district.

Sec. 16-20Q.006. Specific regulations.

In addition to the general regulations set forth in section 16-20Q.005, and any other applicable regulations, the following regulations shall apply to all properties in the District:

(1) *Building façades, materials, and massing.*

(a) All new principal structures shall conform to the existing building orientation by having front façades and front doors facing and parallel to the street, and except in those blocks in which the historic pattern is such that structures are situated at an angle to the street, in which case the compatibility rule shall apply. If located on a corner lot, the orientation of the front façade shall be based on the compatibility rule whenever possible.

(b) Front, side and rear yard setbacks for all new principal structures shall be subject to the compatibility rule. The front and rear yard setbacks of additions shall be subject to the compatibility rule. The side yard setbacks of additions shall not be subject to the compatibility rule but shall be no closer than the side yard setbacks of the existing principal structure.

(c) The compatibility rule shall apply to the overall design, size, scale, massing and width of new principal structures and additions.

(d) The compatibility rule shall apply to all building façade materials on all façades, and in addition to all other applicable regulations, as follows:

(i) The presence and dimensions of the exposed face of lap siding and wood shingles.

(ii) The presence and type of brick and pattern of brickwork.

(iii) The presence and type of stone and pattern of stonework.

(iv) The presence, material and texture of stucco.

(v) The materials and pattern of roofing.

(2) *Windows and doors.*

(a) Original or historic windows and exterior doors shall be retained.

(b) Replacement windows or exterior doors shall be permitted only when the original or historic windows and exterior doors cannot be rehabilitated.

(c) If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors shall match the original or historic in light design, function, materials, shape, and size.

(d) Replacement windows and doors for non-original or non-historic windows and doors shall be compatible with the architectural style of the structure or shall be subject to the compatibility rule.

(e) On existing principal structures, new doors and windows in new openings, when permitted, shall be compatible in scale, size, proportion, placement and style to existing windows and doors.

(f) On the front and side façades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.

(3) *Foundations.*

(a) Replacement foundation materials shall replicate the original or existing materials in size, shape, color, texture and mortar and shall be installed using construction techniques similar to the original or existing.

(b) On the front and side façades of new principal structures and additions, foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided if they are compatible with the structure on which they are located and in scale, materials and style with foundations of adjacent and surrounding structures.

(21) *Design criteria for alterations and additions to contributing structures.* Alterations and additions to contributing structures requiring a certificate of appropriateness shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in subsection 16-20Q.006; and shall not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work shall be compatible with the massing, size, scale and architectural features of the property and environment.

Site

The Applicant provided a partial site plan as opposed to a full site plan. In looking at the floor plan, there is an internal courtyard that is not accurately depicted on the site plan. Further, there are several buildings, walkways and stairways on the property that are not indicated. Staff recommends the Applicant provide a full site plan that accurately details all of the existing and proposed conditions.

The Applicant is proposing an addition on the front of the building. Per regulations, the front yard setback requirement is based on the compatibility rule. The Applicant did not provide any information regarding the front yard setbacks of buildings of like use on the block face. Staff recommends the Applicant provide documentation the front yard setback requirement has been met. As the sides of the addition do not extend beyond the existing building, Staff finds the side yard setback requirement has been met.

Per underlying zoning, the maximum floor area ratio (FAR) allowed is .40. The Applicant did not submit any information regarding the FAR. Staff recommends the Applicant provide documentation the project meets the FAR requirement. Per underlying zoning the maximum lot coverage allowed is 40%. The Applicant did not submit any information regarding the lot coverage. Staff recommends the Applicant provide documentation the lot coverage requirement has been met.

New Addition and Alterations

The Commission reviews the front and side facades, therefore Staff will only make comments regarding the front and side facades.

In general it would be helpful to have more information regarding the church. While the building is considered contributing, we do not have information on the date of construction or when various additions and alterations occurred. Staff recommends the Applicant provide information and construction dates for the church and the various additions and alterations on the site.

The Applicant is proposing to add a one-story addition in front of an existing one-story building. In looking at the elevations, there is a main two-story church building that is adjacent to a historic one-story building. The existing one-story building is appropriately recessed so that the main church building is the dominant feature. In general, Staff finds the massing, materials and general design of the proposed addition is consistent and compatible with the existing building. There are also architectural and material details that connect the new addition to the adjacent church building. With that said, Staff has concerns regarding the location of the proposed addition.

Per regulations, new additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. In general, additions are highly discouraged on the front façade of historic buildings. In this case, the proposed addition will not only cover an existing historic building, it will also protrude past the façade of the main historic church building. It is important that the special relationships between the main church building and the other buildings be maintained. It is not clear why the same space cannot be created at the rear of the existing building. While Staff has no general concerns regarding additions to the existing property, Staff cannot support an addition on the front façade of an existing building. Staff recommends the Applicant submit a design solution that allows the additional space needed but does not impact the front façade of the existing historic buildings.

The Applicant is proposing to alter the front door configuration on the main church building. In looking at the as-built elevations, there is currently a four door configuration that will be reduced to a two door configuration. The pictures submitted do not indicate the current conditions of the doors. The purpose for the alteration is not clear. Staff recommends the Applicant provide information on the condition of the main church doors and why the alteration is required.

Staff Recommendation: Based upon the following:

- (a) The plans minimally meet the regulations per Section 16-20Q.006, with the exceptions noted above;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-14-156) for alterations and additions at **551 Harwell Road (St. John of the Cross Catholic Church)** - Property is zoned R-3/Collier Heights Historic District, to address the following concerns:

1. The Applicant shall submit a properly scaled full site plan that accurately indicates all existing and proposed conditions, per Section 16-06.008(5) and (6);
2. The Applicant shall provide documentation the project meets the FAR requirement, per Section 16-05.008(5);
3. The Applicant shall provide documentation the lot coverage requirement has been met, per Section 16-06.008(6);
4. The Applicant shall submit documentation the front yard setback requirement has been met, per Section 16-20Q.006(1)(b);
5. The Applicant shall provide information and construction dates for the church and the various additions and alterations on the site;
6. The Applicant shall submit a design solution that allows the additional space needed but does not impact the front façade of the existing historic buildings, per Section 16-20Q.005(1)(b)(ix);
7. The Applicant shall provide information on the condition of the main church doors and why the alteration is required, per Section 16-20Q.005(1)(b)(ix); and
8. The Applicant shall submit appropriate copies of updated information and plans no later than eight days before the deferred meeting.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 11, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-14-159) for a new single-family house at **706 Gaskill Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Nathan Bolster
193 Tye Street

Facts: This property is not listed in the Cabbagetown District Inventory. This is a vacant lot. On September 24, 2008, the Commission reviewed and approved an Application for a Type III Certificate of Appropriateness (LD-08-243) to allow for the subdivision of two lots into three lots located at 708 and 712 Gaskill Street, with the following conditions:

- 1) The Applicant shall provide the front and rear yard setbacks of all of the cottages on the block face, per Section 16-20A.006(10);
- 2) The front and rear yard setbacks shall meet the regulations, per Section 16-20A.006(10);
- 3) The right side yard setback shall be no less than 3', per Section 16-20A.006(13)(a)(3)(f); unless the Bureau of Buildings approve plans that include windows at the right side elevations with a zero lot line and
- 4) Staff shall review and if appropriate approve the final site plan, including the footprint of the proposed dwelling.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Sec. 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

(1) When required:

(b) To erect a new structure or to make an addition to any structure within the district;

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) *Minimum standards.* These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) *The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.*
- (3) *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
- (4) *Additional notification.* The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.
- (5) *Cabbagetown design guidelines.* The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
- (6) *The compatibility rule.*
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.
 - a) *General criteria:*
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;

- g. porches, including supports, columns, balustrades, steps, and roofs; and
- h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

- 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) *Facades:*

- 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
- 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
- 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
- 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
- 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) *Roofs:*

- 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
- 2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
- 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
- 4. Boxed gable returns are not permitted.
- 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e) *Porches:*

Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.

- 1. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 - 2. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 - 3. Front porch steps shall be made of wood, brick, or concrete.
- Metal steps are not permitted.

f) *Site development, sidewalks and curbs:*

- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
- 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
- 3. Curbing shall be granite; poured concrete shall not be used.
- 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(19) *Off-street and off-site parking.*

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking may be located in a rear or side yard.

k) Use of shared driveways and/or alleys is encouraged.

l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) *Maximum building height and width.* The compatibility rule shall apply.
- (8) *Floor area ratio.* The floor area ratio shall not exceed 0.50.
- (9) *Roofs.*
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) *Porches.*
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right of way.
 - b) Variances for the height of walls or fences may be granted by the commission.
 - c) Walls shall be constructed of wood.
- (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten (10) feet in width and shall have a curb cut no more than ten (10) feet, exclusive of flair.
 - a) At least one-third of any driveway or surface parking area shall be pervious.
 - b) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - c) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Setbacks and Site Plan

For purposes of the compatibility rule, contributing buildings of the same type and style on the same block face are used in determining the architectural style, architectural elements, building proportions, and building setbacks. This particular block face contains 7 contributing houses, four of which are shotguns or paired shotguns.

The front, side and rear yard setbacks are based on the compatibility rule. As the proposed front and rear yard setbacks are within the same range as the adjacent paired shotgun houses, Staff finds the front and rear yard setback requirements have been met. As a condition of the subdivision approval, the minimum east side yard setback was set at 3'. Staff finds the east side yard setback requirement has been met. The west side yard setbacks of the contributing adjacent houses range from 3.7' to 10.4'. The proposed west side yard setback is 9' and therefore meets the requirements.

The maximum floor area ratio (FAR) allowed is .50. The FAR calculations are not indicated. Staff recommends the Applicant provide documentation the project meets the FAR requirement. Staff would note that lot coverage is not restricted in this subarea.

Per regulations, off-street parking is required. The site plan indicates a shared driveway. The regulations require an independent driveway for each property. Staff would note the previously approved subdivision indicated an independent driveway for the subject property and the two adjacent properties. Staff recommends the project indicate an independent driveway or the Applicant shall apply for a variance.

It is likely that the sidewalk will be destroyed in the process of building the home. Staff recommends that the sidewalk be replaced per regulations such that the sidewalk shall be the same width as the sidewalk on the abutting properties. In addition, the sidewalk should be brick on a concrete base and laid in a pattern to match existing on abutting properties. As required by the regulations, a walkway front the porch to sidewalk is indicated. Staff recommends the site plan indicate an appropriate material for the proposed walkway.

The site plan does not indicate any grading or change in the lot topography. In looking at the elevations, there is a clear change in the topography from the front to the rear of the lot. Staff recommends that the grading not excessively or unnecessarily alter the natural topography of the site and any new grades meet existing topography in a smooth transition.

Massing and Building Height

Per regulations, the architectural style of the new dwelling must be represented historically on the block face. The historic architectural forms/styles seen on the block face are shotguns, paired shotguns, hall-parlors and Georgian cottages. The overall design and details of the proposed single-family dwelling are similar to the shotgun houses at 722 and 730 Gaskill Street. Per regulations, the roof form, roof pitch, height, width and first floor height are based on the compatibility rule. The Applicant submitted information for 722 and 726 Gaskill Street. Staff would note that 726 Gaskill Street was demolished several years ago and therefore cannot be used as a point of comparison. As the Applicant has only submitted one valid point of comparison, Staff cannot determine whether the requirements have been met. Staff recommends the Applicant provide the roof form, roof pitch, height, width and first floor heights for all the existing contributing shotgun houses on the block face.

Building Facades

In Landmark Districts, the Commission reviews all facades.

Windows and Doors

The front and rear door are wood panel with glass in its upper portion. Staff has no concerns regarding the front and rear door. The proposed windows are 2 over 2, wood, true divided lite, vertical in proportion and feature appropriate sills, headers and trim. Staff finds the locations, materials and design of the proposed windows are appropriate.

There are two flat panel skylights on the side of the house. As these are flat panel skylights are halfway towards the rear of the house, Staff finds it will be hard to see them from the street. Staff does not have concerns regarding the location or design of the proposed skylights.

The Applicant is proposing a solar canopy at the front of the house. As solar panels are not allowed at the front of the house, a variance is required. The Applicant submitted justification for the variance, however it was not advertised. As such, analysis and discussion regarding the front façade solar panel will occur at the next Commission meeting.

Building Materials

The following materials are proposed: smooth cementitious siding with a 5" reveal, wood trim, wood corner boards, wood railings, wood posts, wood, brick or concrete stairs, smooth concrete foundation walls and asphalt shingles. In general, Staff finds the proposed materials are appropriate. In looking at survey pictures, Staff could not find an example of a porch with a metal roof on the block face. Staff recommends the Applicant provide documentation the proposed metal porch roof meets the requirements. Staff has concerns regarding the smooth concrete foundation wall. It is not clear whether the foundation wall will be painted or faced with another material. Staff recommends the Applicant provide documentation the foundation wall material is consistent with the foundations of shotgun houses on the block face.

Porch

The proposed full width porch is 5' in depth. Staff finds the overall size, location, material, design and architectural details are consistent and compatible with the porches at 722 and 730 Gaskill. Staff does have concerns regarding the depth of the porch. Staff recommends the Applicant provide documentation the depth of the porch is compatible with the other shotgun houses on the block face. Staff has concerns regarding the porch roof pitch. Staff recommends the Applicant provide documentation the proposed porch roof pitch is compatible with the porch roof pitches of the other shotgun houses on the block face.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 and 16-20A.009, with the exception of the notes above;

Staff recommends deferral of Application for a Type III Certificate of Appropriateness (CA3-14-159) for a new single-family house at **706 Gaskill Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, to allow the Applicant time to address the following concerns:

1. The Applicant shall provide documentation the project meets the FAR requirement, per Section 16-20A.009(8);
2. The project shall indicate an independent driveway or the Applicant shall apply for a variance, per Section 16-20A.006(19)(l);
3. If the sidewalk requires replacement, the sidewalk shall be replaced per regulations such that the sidewalk shall be the same width as the sidewalk on the abutting properties. In addition, the sidewalk shall be brick on a concrete base and laid in a pattern to match existing on abutting properties, per Section 16-20A.006(13)(f);
4. The site plan shall indicate an appropriate material for the proposed walkway, per Section 16-20A.006(13)(f)(4);
5. The grading shall not excessively or unnecessarily alter the natural topography of the site and any new grades meet existing topography in a smooth transition, per Section 16-20A.006(17);
6. The Applicant shall provide the roof form and pitch, height, width and first floor heights for all the existing contributing shotgun houses on the block face, per Section 16-20A.006(13)(a)(3);

7. The Applicant shall provide documentation the proposed metal porch roof meets the requirements, per Section 16-20A.006(13)(a)(3);
8. The Applicant shall provide documentation the foundation wall material is consistent with the foundations of shotgun houses on the block face, per Section 16-20A.006(13)(a)(3);
9. The Applicant shall provide documentation the depth of the porch is compatible with the other shotgun houses on the block face, per Section 16-20A.006(13)(a)(3);
10. The Applicant shall provide documentation the proposed porch roof pitch is compatible with the porch roof pitches of the other shotgun houses on the block face, per Section 16-20A.006(13)(a)(3); and
11. The Applicant shall submit appropriate copies of updated plans and information no later than eight days before the deferred meeting.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 11, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-122) for a new single family house and (CA3-14-134) for a variance to allow construction of a new single family house based on the previously existing house and not on the compatibility rule, and a lack of an independent driveway connected to a public street at **256 Powell St.** - Property is zoned Cabbagetown Landmark District / Beltline.

Applicant: Kevin Maher
142 Savannah Street

Facts: The vacant lot contained a paired shotgun house type prior to the tornado of 2008. The apart from the two doors and front stairs on the front façade, the house appeared as a cottage style house with a full width front porch and accent gables on a hipped, almost pyramidal main roof.

The Applicant proposes to rebuild that house form, though not with a paired shotgun use. This request to recreate the exterior appearance, massing, scale, etc. of a former house necessitates not using the compatibility rule for the purposes of determining many aspects of the proposed design and site plan elements.

The Staff would note that another house was also destroyed by the 2008 tornado at 252 Powell Street which also was a pair shotgun house type that had been converted to a single family house. It has the same exterior appearance as the house that existed at 256 Powell Street.

The subject property is a flat, rectangular shaped lot with no trees.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
- (2) Type required:

- a. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.
 All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
 - b) *Facades:*
 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - c) *Roofs:*
 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
 - e. *Porches:*
 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
 - f. *Site development, sidewalks and curbs:*
 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (17) *Grading and landscaping.*
- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b) New grades shall meet existing topography in a smooth transition.
 - c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.
- (18) *Fences and walls.*
- a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.

- c) Fences and walls shall not exceed six feet in the side or rear yards.
- d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- (19) Off-street and off-site parking.
 - a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
 - k) Use of shared driveways and/or alleys is encouraged.
 - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- 1. *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
 - c) Walls shall be constructed of wood.
- (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

- (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variance Analysis

The Applicant has applied for two variances, the first to allow the recreation of the previously existing house vs. using the compatibility rule to determine many house design and site plan elements. The second variance request is to allow for parking in the rear yard accessed via an easement vs. an independent driveway from Powell Street.

The Staff concurs with the Applicants variance argument for not using the compatibility rule for the design of the new house and its site plan elements and instead re-creating the appearance, size, and massing of the house that previously existed. The re-creation of a previously existing house, while unusual, would substantially meet the intent of the District regulations and it could be argued that is in fact more authentic then designing a house on the compatibility rule in this situation. By re-creating the appearance, size and massing of the previously existing, contributing house, the District's historic character would be re-established vs. approximated via a design developed in keeping with the compatibility rule.

Given its recommendation regarding not using the compatibility rule and re-creating the previously existing house, the Staff would also concur with the Applicant's analysis regarding the lack of an independent driveway, as a driveway didn't previously exist and there is not room on either side of the house for a driveway now.

However, the Staff is concerned about the arrangement and status of the easement as no information or documentation was provided about it. Unless the Applicant can provide documentation attesting to the legal existence of the easement, that it connects to a public street, and that it applies to this particular property and eventual property owner, it is not considered sufficient to provide proper vehicle access to the property.

The Staff would recommend the Applicant provide detailed information and documentation regarding the easement being relied upon to provide vehicle access to the property, including but not limited to: the legal existence of the easement, that it connects to a public street, and that it applies to this particular property and eventual property owner.

Approach to Design Analysis of Proposed House

Given its recommendations regarding the two variance requests, the Staff finds that the design analysis of the proposed house should be focused on how the proposed house is the same as or very similar to the previously existing house, as documented by the District inventory photograph and other supporting documentation. Those regulations note tied to the compatibility rule or to comparisons to other houses on the block face, would need to meet the applicable District regulations.

Site Plan Elements

Regarding the setbacks, information was submitted documenting the setbacks of the previously existing house. The Applicant did note in their variance argument that the previous house was longer then the

two existing houses on the block face and thus had a smaller rear yard setback. It would appear though that the rear yard setback of the proposed house is different than the rear yard setback of the previously existing house. Further, while the house width would appear to be the same, the side yard setbacks don't match which would be seem to be unlikely given that the size of the lot hasn't changed.

The Staff would recommend the Applicant document the setbacks of the previously existing house and align the setbacks of the proposed house to those distances.

The front yard, porch, and front door face and are parallel to the street.

A paved walkway is provided from the front porch to the public sidewalk. The public sidewalk will be repaired, not replaced. The Staff would recommend, though, that if the public sidewalk is substantially damaged during construction, a new sidewalk is installed that meets all District regulations.

No grading, new fencing, or new walls are proposed. The Staff has no concerns about the removal of the section of fence in the rear yard.

Notwithstanding the Staff concerns about the use of the easement to provide vehicle access to the property, the Staff does not have concerns about the off-street parking itself. It is located in the rear yard, consists of concrete tire strips, is at least one-third previous, and can accommodate at least two cars.

The proposed floor area ratio is less than the .50 maximum allowed.

Overall Design and Major Architectural Elements

Notwithstanding the Staff's concerns about side yard setbacks, the house appears to be similar in width to the previously existing house. However, as noted above, the side yard setbacks don't appear to align with the previously existing house, but the lot width has not changed. The Staff would recommend that the Applicant document that the width of the proposed house is the same as the previously existing house.

In addition, the Staff is concerned that the proposed house does not contain the articulation and accent roof forms along the side facades of the previously existing house. While only limited information is available, what is available to the Staff shows at least on the left façade a projection about half way down the façade with a corresponding accent gable above. Given the duplex nature of the previously existing house and the mirror image design of the front façade windows and doors, it would be reasonable to assume that such a projection and corresponding gable existed on the right façade as well. The Staff would recommend that the overall massing and accent roof forms be similar to the previously existing house, based on all reasonably and publically available documentation.

The pitch of the main roof and front porch roof appear to be similar in width to the previously existing house. The Staff would recommend that the Applicant document that the pitch of the main roof and the front porch roof of the proposed house is the same as the previously existing house.

Even though the height of the foundation (as measured using the number of front steps) is the same as the previously existing house, it is not clear that the overall height of the house is the same. The Staff

would recommend the Applicant document that the overall height of the proposed house is the same as the previously existing house.

While the roof form of the front porch of the proposed house appears the same as the previously existing house, it does not appear that the width is the same. Nor is it clear if the front porch depth is the same as the previously existing house. The Staff would recommend that the Applicant document that the front porch width and depth of the proposed house is the same as the previously existing house.

Individual Design Element and Materials

The Staff is concerned that the front façade window and door locations do not follow the pattern found on the previously existing house. While there are two windows and two doors, they are arranged in a sequential pattern vs. the mirror image of the previously existing house. The Staff would recommend the front façade window and door pattern be the same as the previously existing house.

Given that the front porch columns and railing on the previously existing house were contemporary, replacement features, the Staff would recommend that the design of the front porch columns and railing be similar to original features found on similar houses in the District.

The roof is asphalt shingles, which meets the District regulations. The foundation is stucco covered CMU, which also meets the District regulations.

The front door does not appear to meet the District regulations as to its material and light pattern. The Staff would the front door design and materials meet the District regulations.

While the hardiplank is permitted as a siding material for new construction, it must be smooth face. Further, the architectural trim material and front porch elements must be the same as the previously existing house, which was wood. The Staff would recommend the siding be smooth face and all front porch elements and all architectural trim be wood.

The Staff would recommend that the Applicant document the material of the front porch steps and that such material meets the District regulations.

The chimney meets the District regulations.

Variance (CA3-14-134):

Staff Recommendation: Based upon the following:

1. The Applicant has met the criteria for issuing a variance, per Section 16-26.003.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-14-134) for a variance to allow construction of a new single family house based on the previously existing house and not on the compatibility rule, and a lack of an independent driveway connected to a public street at **256 Powell St.** - Property is zoned Cabbagetown Landmark District / Beltline, with the following condition:

1. The Applicant shall provide detailed information and documentation regarding the easement being relied upon to provide vehicle access to the property, including but not limited to: the legal existence of the easement, that it connects to a public street, and that it applies to this particular property and eventual property owner, per Section 16-20A.006(19).

New Construction (CA3-14-122):

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposed house meets the District regulations, per Section 16-20A.006 and 16-20A.009; and
2. Given the Staff's recommendation of variance CA3-14-134.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-14-122) for a new single family house at **256 Powell St.** - Property is zoned Cabbagetown Landmark District / Beltline, with the following conditions:

1. The Applicant shall document the setbacks of the previously existing house and align the setbacks of the proposed house to those distances, per Section 16-20A.006(9);
2. If the public sidewalk is substantially damaged during construction, a new sidewalk shall be installed that meets all District regulations, per Section 16-20A.006(13)(f);
3. The Applicant shall document that the width, overall height, pitch of the main roof and the front porch roof, front porch width and depth of the proposed house is the same as the previously existing house, per Section 16-20A.006 and 16-20A.009;
4. The overall massing and accent roof forms shall be similar to the previously existing house, based on all reasonably and publically available documentation, per Section 16-20A.006 and 16-20A.009;
5. The front façade window and door pattern shall be the same as the previously existing house, per Section 16-20A.006 and 16-20A.009;
6. The design of the front porch columns and railing shall be similar to original features found on similar houses in the District, per Section 16-20A.006(13)(e);
7. The front door design and materials shall meet the District regulations, per Section 16-20A.006(13)(b)(4);
8. The siding shall be smooth face and all front porch elements and all architectural trim shall be wood, per Section 16-20A.006(13)(b);
9. The Applicant shall document the material of the front porch steps and that such material meets the District regulations, per Section 16-20A.006(13)(e); and
10. The Staff shall review, and if appropriate approve the final elevations, plans, and supporting documentation.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
June 11, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-145) for alterations and additions at 377 Edgewood Avenue- M. L. King, Jr. Landmark District (Subarea 4).

Applicant: Dana Armour
3763 Rogers Bridge Road, Duluth

Facts: The existing one-story gas station building was converted to a restaurant several years ago. The contributing building to the District includes the service canopy, which was converted to an outdoor dining area by the use of planters and creation of a level walking / seating area.

The Applicant currently proposes to make substantial additions and alterations to the building, as follows:

1. Partially enclose the existing service canopy area;
2. Add a “bay” to the eastern end of the building;
3. Add an addition in front of the two existing service bays almost equal in depth to the enclosure of the service canopy;
4. Install a canopy above a new patio (which includes an outdoor fireplace on the eastern end) along the entire front of the building in front of the proposed addition almost equal in depth to the un-enclosed portion of the service canopy;
5. Add a roof top, outdoor dining area over the entire, expanded building;
6. Add a dumpster and dumpster enclosure at the southwest corner of the building; and
7. Add a landscaping strip along the William Holmes Borders Drive edge of the property and a landscaped area along the Edgewood Avenue portion of the property, the latter of which would define a valet drop-off zone / lane.

The Staff would add that as of the date of the Commission meeting, the proposed comprehensive revisions to the District regulations contained in Z-14-09 will have been enacted by the City and thus would apply to this project. This would include the inclusion of the Edgewood Avenue corridor and the Auburn Avenue corridor in one Subarea 4, combining the former Subareas 4 and 5.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
 - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

- e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
 - a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - ii. Additions;
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Assisted living facilities	X	X	SUP	SUP
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use	X	X	X	P
Multi-family dwellings	X	X	P	P
Personal care homes	P	P	P	P
Single-family dwellings	P	P	P	P
Supportive housing	X	X	P	P
Two-family dwellings	P	P	P	P
NON-RESIDENTIAL USES				
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	P *	P	P
Bakeries and catering establishments	X	P *	X	P
Banks, savings and loan associations, and similar	X	X	X	P

financial institutions				
Barber shops and beauty shops	X	P *	X	P
Bed and breakfast inns	X	P #	P	P
Business or commercial schools	X	X	X	P
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	X	P
Child care centers, kindergartens and special schools	X	X	X	P
Churches, synagogues, temples, mosques, other places of worship	X	P ^	P	P
Clubs and lodges	X	X	P	P

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
NON-RESIDENTIAL USES				
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings	X	X	P	P
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X
Drive-in and drive-through facilities	X	X	X	X
Eating and drinking establishments	X	P *	X	P
Farmers markets	X	X	P	P
Grocery stores	X	P ^	X	P
Hospitals	X	X	X	P
Hotels and motels	X	X	P	P
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	X	P
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	P *	X	P
Market Gardens	X	X	P	P
Mortuaries and funeral homes	X	X	X	SEP
Offices and studios	X	P *	P	P
Clinics (including veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	X	P

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
NON-RESIDENTIAL USES				
Park-for-hire surface parking lots	X	X	SUP @	SUP @
Park-for-hire parking structures	X	X	P	P
Poolrooms, billiard parlors	X	X	X	SEP
Printing and blueprinting shops	X	X	X	P
Professional or personal service establishments but not hiring halls	X	P *	X	P
Public schools or private schools having similar academic curricula and special schools for exceptional children	X	X	P	X
Rehabilitation centers, nursing homes	X	X	SUP	SUP
Repair establishments for home appliances, bicycles, lawn mowers	X	X	X	P
Retail establishments, including delicatessens	X	P *	X	P
Roof antennas	X	X	P %	P %
Service stations	X	X	X	P
Shelter	X	X	SUP	SUP
Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	X	X	P	X
Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area	X	P *	X	P
Temporary commercial activities	X	X	X	P
Trade schools, colleges, universities	X	X	X	P
Urban Gardens	SAP ^{&}	SAP ^{&}	P	P
NOTES				
# Bed and breakfast uses in Subarea 2 shall comply with the use restrictions of 16-20C.005(2)(b).				
@ Park-for-hire surface parking lots shall comply with the use restrictions of 16-20C.005(3)(c).				
% Roof antennas and similar uses shall comply with the use restrictions of 16-20C.005(3)(d).				
* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.				
^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.				
& On an undeveloped lots.				

3. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 3 and 4.
 - a. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
 - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
 - i. Drive-in and drive-through facilities.

- ii. Parking and driveways.
- iii. Accessory non-residential storage areas.

Sec. 16-20C.006. Lot Controls and Building Heights.

2. The following Lot Controls and Building Heights provisions shall apply to Subareas 3 and 4.
 - a. Building heights.
 - i. Maximum building heights shall be permitted up to a maximum of one and one-half (1.5) times the height permitted utilizing the compatibility rule, provided that:
 - (1) For property located east of Interstate 75/85, no building shall be permitted to exceed a maximum height of 55 feet.
 - (2) For property located west of Interstate 75/85, no building shall be permitted to exceed a maximum height of 68 feet.
 - ii. The building heights permitted in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.
 - iii. Notwithstanding the height requirements of these subareas, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
 - a. Sidewalks.
 - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
 - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - c. Required Open Space.
 - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.

3. The following additional Yards provisions shall apply to Subareas 3 and 4.
 - a. Front, Rear and Side Yards. All front, rear and side yards for this Subarea shall be established through the compatibility rule, except that zero-lot-line side yards shall be permitted as a minimum side yard allowance regardless of the compatibility rule application.

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs shall be prohibited.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c. Landscaping.
 - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
 - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
 - i. All dumpsters shall be concealed with walls six (6) feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and shall not be visible from any public street.
 - ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
3. The following Design Standards provisions shall apply to Subareas 3 through 4.
 - a. Facades.
 - i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.
 - ii. Covering of the original façade shall not be permitted.
 - iii. Painting of unpainted building materials and masonry is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
 - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.

- vi. Cornice lines shall cap all building facades and shall consist of sheet metal, brick, cast concrete or terra cotta materials.
- b. Active uses (See Sec. 16-20C.005(3)(e))
 - i. Active uses shall be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.
 - ii. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.
- d. Fenestration.
 - i. A minimum of 60 percent of the length of the building façade shall contain fenestration.
 - ii. Sidewalk-level development without fenestration shall not exceed a maximum length of 10 feet of façade.
 - iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
- e. Illumination and Security Features.
 - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.
- f. Awnings and Canopies.
 - i. Original awnings and canopies shall be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.
 - iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
 - v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
 - vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
 - vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
 - viii. Multiple awnings on a single building shall be similar in shape and configuration.
 - ix. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

- 1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.
 - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit
All other Residential and Dwelling Uses	The greater of: 2 spaces or 1 space for every 5 residential units	None	No more than 50 spaces required	2.5 spaces for every 1 residential unit
Non-Residential Uses	The greater of: 2 spaces or 1 space for every 4,000	None	No more than 50 spaces	2.5 spaces for every 1,000 square feet of floor area

	square feet of floor area		required	
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- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
 - ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
- b. Surface Parking.
 - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
 - ii. When authorized, park-for-hire surface parking lots shall be prohibited from being located within 65 feet of any public street frontage.
- c. Screening for Non-Residential and Multi-family Uses.
 - i. All surface parking regardless of the number of parking spaces provided, shall comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.
 - ii. Screen wall extensions shall be permitted when surface parking is directly adjacent to a public sidewalk and additionally shall:
 - (1) Be located predominantly parallel and congruent with the adjacent building façade;
 - (2) Be a minimum height of ten (10) feet and a maximum height of 12 feet;
 - (3) Be a minimum of 50 percent permeable or articulated to avoid blank walls; and
 - (4) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
- 3. The following regulations shall apply to driveways and curb cuts within the district.
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

General Development Controls and Uses

A variety of commercial uses are permitted in the Subarea, including eating and drinking establishments. The ground-floor sidewalk level is proposed for active uses for the required depth.

No off-street parking is indicated on the site plan, but bicycle parking is required. The Staff would recommend that the Applicant document compliance with the bicycle parking regulation. No new curb cuts or driveways are proposed.

The front, east, and rear yard setbacks of the building are changing. The Staff would recommend the Applicant document compliance with the setback regulations.

Partially enclose the existing service canopy area.

The Staff finds that it is possible to partially enclose the service canopy area so that the architectural character and proportion of the now open service canopy area can be maintained

and the enclosure is distinct from but compatible with the historic building. However, the Staff further finds that the proposed design, essentially mimicking the existing fenestration patterns, detailing, and architectural components is too similar to the existing building and will not maintain the openness of the existing service bay. For any enclosure of the service canopy area to be found to meet the District regulations, it would have to be more transparent and more distinct from the existing building.

The Staff would recommend that the enclosure of the service canopy area be substantially re-designed to be much more transparent and distinct from but compatible with the existing building.

Add a “bay” to the eastern end of the building.

Add an addition in front of the two existing service bays almost equal in depth to the enclosure of the service canopy.

The Applicant has proposed extending the building to the almost the eastern property line. Absent any concerns about the lack of documentation of the setbacks noted above, the Staff finds that making an addition to the side of the existing building is possible, regardless of whether or not three bay Gulf stations existed somewhere else. The Staff further finds that such an addition would have to be somewhat distinct from the rest of the building to clearly delineate it as a contemporary addition.

Even taking into account the Staff’s concurrence that a side addition could be compatibly added to the building, the Staff has substantial concerns about the construction of an addition along almost the entire length of the existing building, including in front of the proposed side addition. Taken together, these changes (along with the partial enclosure of the service canopy area) would completely engulf the existing building leaving only the William Holmes Borders façade visible from a public street. The building would essentially no longer present any historic materials to the public and would only be a facsimile of its historic presence. Further, given that the proposed design attempts to mimic the existing service bay fenestration pattern, materials, and architectural elements, the proposed addition would create a false sense of historic and evolution of the property.

The Staff would recommend the addition proposed to the front of the building be removed from the proposed design.

Install a canopy above a new patio (which includes an outdoor fireplace on the eastern end) along the entire front of the building in front of the proposed addition almost equal in depth to the un-enclosed portion of the service canopy.

Notwithstanding the Staff’s substantial concerns about the addition along the front of the building, the Staff does find that an outdoor seating area and canopy can be added to the front of the existing building so that the architectural character and proportion of the building can be maintained and the canopy / outdoor seating area is distinct from but compatible with the historic building. However, the Staff further finds that given the lack of details about the proposed canopy, it is not able to make such a determination. It would appear that the proposed canopy will be too similar to the exiting service canopy design and will too closely draw from the trim and architectural details of the existing building.

The Staff would recommend that additional design information be provided about the proposed canopy and outdoor seating area in front of the existing building and the canopy design be compatible with but distinct from the existing building.

Add a roof top, outdoor dining area over the entire, expanded building.

The proposed design includes a new roof top, outdoor dining area covered by the shed roof that slopes to the back of the building. First, the Staff would recommend that the Applicant document that the roof top outdoor dining area meets the maximum height requirements of the District regulations.

Even if the proposed roof top, outdoor dining area meets the height requirements, the Staff finds that this component of the design would completely transform the appearance and character of the building and does not meet the District regulations. While having roof top, outdoor dining could be possible on this building, given its height (one-story), depth (shallow), and architectural design (no apparent parapet wall), it will be difficult to achieve such a proposal. Further, the proposed design appears to “float” the proposed roof top outdoor dining area above the existing building using a superstructure detached and separate from the building itself. This “stilt” approach adds to the incongruity between the existing and proposed design.

The Staff would recommend the proposed roof top, outdoor dining be substantially redesigned, including but not limited to a reduction in size, an increase in distance from the edge of the dining area to the facades of the building, and change in support structure and roof design.

Add a dumpster and dumpster enclosure at the southwest corner of the building.

The dumpster is proposed between the building and William Holmes Borders Drive, which is not permitted by the District regulations. Further, the design and materials of the dumpster enclosure are not specified. The Staff would recommend that the dumpster’s location and the dumpster enclosure’s design and materials meet the District regulations.

Add a landscaping strip along the William Holmes Borders Drive edge of the property and a landscaped area along the Edgewood Avenue portion of the property, the latter of which would define a valet drop-off zone / lane.

While the Staff does not have concerns about the landscape strip proposed along William Holmes Borders Drive, the Staff does have concerns about the use of the landscaping in the front portion of the property to create a valet drop-off zone / lane. Such lanes are prohibited in the District. While the property is allowed to keep the existing, previously approved, paved configuration the design cannot be changed to a proposal that does not meet the District regulations. Further, such a change in the property (and the substantial expansion of the existing building) would require meeting all of the new sidewalk, streetscape, curb cut, and landscaping requirements, which have not been included in the design.

The Staff would recommend that the valet drop-off zone / lane be eliminated from the front portion of the property.

Staff Recommendation: Based upon the following:

1. Except as noted above, the design, size, location, components, and materials of the proposed additions and alterations do not meet the District regulations, per Section 16-20C.004, Section 16-20C.005, Section 16-20C.006, Section 16-20C.007, Section 16-20C.008, and Section 16-20C.009.

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-14-145) for alterations and additions at 377 Edgewood Avenue- M. L. King, Jr. Landmark District (Subarea 4) to allow time for the Applicant to address the following concerns:

1. The Applicant shall document compliance with the bicycle parking regulation per Section 16-20C.009;
2. The Applicant shall document compliance with the setback regulations, per Section 16-20C.007(3);
3. The enclosure of the service canopy area shall be substantially re-designed to be much more transparent and distinct from but compatible with the existing building, per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
4. The addition proposed to the front of the building shall be removed from the proposed design per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
5. Additional design information shall be provided about the proposed canopy and outdoor seating area in front of the existing building and the canopy design shall be compatible with but distinct from the existing building, per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
6. The proposed roof top, outdoor dining shall be substantially redesigned, including but not limited to a reduction in size, an increase in distance from the edge of the dining area to the facades of the building, and change in support structure and roof design per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
7. The dumpster's location and the dumpster enclosure's design and materials shall meet the District regulations, per Section 16-20C.008(1)(d);
8. The valet drop-off zone / lane shall be eliminated from the front portion of the property, per Section 16-20C.009(3); and
9. The revised designs and supporting materials (including the required number of copies) shall be submitted to the Staff at least eight (8) days prior to the Commission meeting to which this application is deferred.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 14, 2014

Agenda Item: Application for a Review and Comment (RC-14-123) for alterations and additions at a
22 Woodcrest Avenue – Property is zoned R-4/ Brookwood Hills Conservation District.

Applicant: Tom Dierdorff
22 Woodcrest Avenue

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1929 and is considered contributing to the District. The Applicant proposes to:

1. Add a second story addition over an existing left side wing;
2. Add three (3) dormers to the front-facing roof plane;
3. Add a shed dormer and gabled dormer on the left / rear elevation;
4. Add a small second-level addition to the right elevation connected the original house to a previous addition.

Analysis: The following code sections apply to this application:

Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

Conservation Districts Exempted: Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the Commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property.

Sec. 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Brookwood Hills Conservation District does not have specific architectural regulations similar to the City's Historic or Landmark Districts; therefore the Commission should refer to the "Further Standards" included in Chapter 20 of the Zoning Ordinance, which apply to all locally designated districts and properties.

The rear of the house has been previously altered by a large addition. The front of the house and the front portion of the left elevation appear unaltered.

The Staff generally finds that most of the components of the proposed design are compatible with the existing architectural of the house, property and District. While they are a significant visual change, the three dormers on the front roof plane do maintain the symmetry of the house and are generally compatible with the architectural style of the house, which could be considered a side-gabled Colonial Revival. There are many examples of dormers on such houses in architectural style guides, though there are fewer original examples in the District. The additions on the left, right, and rear elevations will likely not be visible from the street and will have minimal effect on the architectural character of the house. Further some of these additions only partially affect the original portion of the house.

However, the component of the project that gives the Staff the some concern is the second story addition over the left side wing. While not an absolute characteristic of side-gabled Colonial Revival houses, a symmetrical front façade is a common characteristic. Even though the existing house only has the wing on the one side (and it appears original to the house), the Staff is concerned that by adding to that wing, the house will become even less symmetrical. The Staff would acknowledge that there are several examples of Colonial Revival Houses in the District with one and two story wings only on one side.

Further, given the design and materials of the second story addition, the Staff is concerned that it could be virtually indistinguishable from the original portions of the house, creating a fall sense of history and development of the house.

The Staff would recommend the second story addition over the left side wing be re-designed to reduce its visual presence form the street and differentiate it from the original portions of the house.

Staff Recommendation: Staff recommends a letter with comments be sent to the Applicant and the Office of Planning regarding the application for a Review and Comment (RC-14-123) for alterations and additions at a **22 Woodcrest Avenue** – Property is zoned R-4/ Brookwood Hills Conservation District.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 22, 2014

REVISED

April 23, 2014

(Revised text shown in italic.)

June 11, 2014

(Revised text shown in Arial.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce the rear yard setback from 10' (required) to 7' (proposed) and (CA3-13-349) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, somewhat rectangular lot that is located on the west side of Airline Street, just south of the corner with Auburn Avenue. This is one of the last properties in the east side of the District. Along the northern side of Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. Immediately to the north along the south side of Auburn Avenue is a modern / contemporary house recently finished and next to that is the only contributing house on the Auburn Avenue south block face.

At the January 22, 2014 public hearing, the Commission deferred this application to allow time for the Applicant to address the Staff's concerns and comments. On April 15, 2014 the Applicant submitted a revised proposal, including a request to further reduce the rear yard setback from 10 ft. to 5 ft. 9 in. instead of from 10 ft. to 7 ft. The Staff would note that while it permits Applicants to submit revisions to plans for deferred applications eight (8) days before the Commission meeting to which the Applicant was deferred, new variance requests must be properly advertized, which includes completing revised public notice work at least 15 days before the Commission meeting at which the revised variance request will be heard.

The revised submission is the subject of this revised Staff Report.

On June 4, 2014, the Applicant submitted revised plans, elevations, and supporting material for their application. The Staff would add that as of the date of the Commission meeting, the proposed comprehensive revisions to the District regulations contained in Z-14-09 will have been enacted by

the City and thus would apply to this project. This would include revisions to the requirements for Subarea 2, where the subject property is located. Given this change in the District regulations, it is possible that the currently proposed variances might not be needed or additional, different may be needed. Further, additional design requirements could affect the basic composition of the design.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
 - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

- e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
- a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Single-family dwellings	P	P	P	P

2. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 1 and 2.
- a. Previously-existing uses. Prohibited uses shall be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be

of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the District regulations.

- e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
 - i. Drive-in and drive-through facilities.
 - ii. Parking and driveways.
 - iii. Accessory non-residential storage areas.

Sec. 16-20C.006. Lot Controls and Building Heights.

- 1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

- 1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
 - a. Sidewalks.
 - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
 - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that

such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.

- c. Required Open Space.
 - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
- 2. The following additional Yards provisions shall apply to Subareas 1 and 2.
 - b. Subarea 2.
 - i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.
 - ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: Seven (7) feet.
 - (3) Rear yard: 25 feet.
 - iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: 12 feet.
 - (3) Rear yard: Six (6) feet.

Sec. 16-20C.008. Design Standards.

- 1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs shall be prohibited.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c. Landscaping.
 - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
 - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.

2. The following Design Standards provisions shall apply to Subareas 1 through 2.
 - a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.
 - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - b. Front Yard Porches.
 - i. Front yard porches shall be provided.
 - ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.
 - iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
 - v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
 - vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
 - c. Siding and Foundations.
 - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.
 - iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
 - iv. When provided, chimneys shall be faced in brick and shall originate at grade.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.
 - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
 - ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
 - b. Surface Parking.
 - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
3. The following regulations shall apply to driveways and curb cuts within the district.
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce the rear yard setback from 10' (required) to 7' (proposed).

The Staff does not concur with the Applicant's variance argument. While there are certainly lots in the District that are similar in size, if the rear yard setback were kept at the required 10', only a small portion of the house would be effected. Given that there is some room along the south side of the house for some additional square footage, almost the same size house could be built without needing a variance.

The Staff would recommend denial of the rear yard setback request.

As noted above, the Applicant has requested an additional reduction in the rear yard setback from 7 ft. to 5 ft. 9 in. Apart from the fact that the application for such a variance has not been advertized by the Staff for proper review before the Commission, the Staff still does not find that the variance criteria for a reduction in the rear yard setback has been met. While it agrees that the lot is somewhat unusually shaped with an angled rear lot line, the revised submission still shows a house for which a 10 ft. rear yard setback would only affect a small portion of the southwest corner of the house. Further, the additional reduction requested is for an "optional" cantilevered portion of the second floor. Again, notwithstanding the Staff view that the variance criteria have not been met, the Staff also does not find at this time that a cantilevered portion of a second floor meets the District regulations.

The Staff would retain its recommendation of denial for the request to reduce the rear yard setback.

The new District regulations still require a 10 ft. rear yard setback. The Staff would retain its previous recommendation.

Compatibility Rule Comparisons

The block face of Airline Street where the proposed house would be located does not have any existing contributing houses on it. As such, the Applicant is permitted to choose another block face for their point of comparison. The Applicant has chosen the south block face of Auburn Avenue between Airline Street and Randolph Street. The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

The Applicant has proposed the use of another block face (540 – 550 Auburn Avenue) nearby with three relatively small lots that have double frontage, including a roughly triangular shaped lot at Auburn Avenue and Old Wheat Street. This block face is relatively similar to the block face where the subject property is located. Further, the Staff would concur that with one point of comparison on the previously selected alternative block face, the resulting house would have to look essentially the same as the one contributing house, resulting in a somewhat repetitive architectural pattern.

The Staff would support the use of the 540 – 550 Auburn Avenue block face for comparison purposes.

However, the Staff does have a concern about the measurement of the front yard setback as it is not clear to where the front yard setback is measured on the comparison houses. The Staff would recommend the Applicant confirm their technique for measuring the front yard setback.

The revised District regulations allow for the use of an opposing block face when there are no contributing buildings on the subject property's block face and an adjoining block face when there are no contributing buildings on the opposing block face. There are no contributing buildings on the subject property block face and the opposing block face is out of the District. As such, the District regulations would require utilization of the adjoining block face on the same side of the street. As such, the Staff finds that the previously proposed comparison block face (540-550 Auburn Avenue) is still an appropriate point of comparison.

Site

The lot in question fronts about 45' on Airline Street and is about 43' deep on the south property line and 56' deep on the north property line. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has an inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'.

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average front yard setback (including the 5% differential) of 5.13 ft. The Staff would recommend the front yard setback reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed.

The Applicant has revised the site plan to reflect the 5.13 ft., but has not confirmed the front yard setback measurement technique for this application. The Staff would retain its previous recommendation.

The side yard setbacks in the revised regulations are based on the compatibility rule. The Staff would recommend the Applicant document compliance with the side yard setback requirements.

The proposed driveway / parking pad is located on the south side of the house. It extends about 10' past the front façade of the house. To avoid parking in the front yard, which is not permitted by the District regulations, the Staff recommends the driveway extend at least 20' past the front façade of the house.

The revised site plan does not address the Staff's concern about the driveway. It would retain its previous recommendation.

The revised site plan shows a driveway that projects 20 ft. beyond the front façade of the building, which meets the new District regulations.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extent from the front porch stairs to the public sidewalk.

The revised site plan does not address the Staff's concern about the front walkway. It would retain its previous recommendation.

There is not a walkway shown from the front porch to the public sidewalk. The Staff would retain its previous recommendation.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

While floor area ratio is not addressed in the revised District regulations, lot coverage is based on the compatibility rule and in this case would be based on the comparison block of 540-550 Auburn Avenue. The Staff would recommend the Applicant document compliance with the District lot coverage requirements.

There are no fences or walls proposed for the property.

The new District regulations require the installation of a public sidewalk for the property and specific treatment of curb cuts. The Staff would recommend a compliant public sidewalk and curb cut be installed with the construction of the house.

Further, the District regulations now regulate the location and screening of building mechanical equipment. The Staff would recommend that all mechanical equipment be shown on the site plan and meet the District regulations.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is about 5' higher than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

The new block for comparison purposes produces an average building height (including the 10% differential) of 30 ft. 1.5". The revised submission noted a total building height of 29 ft. 7 in., which meets the compatibility rule.

The revised District regulations also determine height using the compatibility rule for properties in this portion of the Subarea. The Staff has no concerns about the proposed height.

Overall Design and Massing

As noted above, the block selected features one contributing house, which is a one-story, hipped roof bungalow. The proposed two story house has a hipped roof, with two small dormers (one facing the side and one facing the rear), and a full width, two-level front porch. Notwithstanding the non-compliant height noted above, the Staff finds that architecturally the proposed house has the full width front porch and hipped roof form in common with the house at 603 Auburn Avenue.

Given the new block for comparison purposes, the Applicant's narrative notes the "varied architectural styles" on the comparison block.

The Staff finds the revised elevations significantly different from the previous elevations, including a side to side gable, with a rear facing gable, a front facing bayed portion of the house with its own accent gable and a partial-width front porch. The Staff does find that the proposed design uses elements from different homes on the comparison block face. The bay is found on #550, while the partial front porch is found on #546, though #546 has a much larger partial front porch proportional to its gabled ell form. The side to side gable is found on #540 and #546. The Staff is concerned, though, that the mixing of the overall elements of design and massing results in a house that isn't cohesive in its design and isn't similar enough to one of the houses on the block face so as to meet the District regulations. The Staff would recommend the overall design and massing of the house more closely follow one of the houses on the comparison block face.

The overall design and massing of the house in the current submission is essentially the same as previously reviewed, including the bay front, partial front porch, and side to side gable. The only changes the Staff can find with the current submission is the change in the front accent gable vent from a round to a rectangular shape and the change in the roof behind the side to side gable from a gable to a hip.

The Staff would retain its previous recommendation, including but not limited to the compatibility rule determination for front porch size and design.

Architectural Elements

In looking at the doors, windows, siding, trim, and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of closed end to the brick stairs. The Staff would recommend that the front stairs have closed ends.

Notwithstanding its concerns about the overall design and massing of the house, the design of the individual elements on the revised design (such as the doors, windows, siding, trim, front porch stairs, columns, and chimney) meet the District regulations.

The front porch stairs have closed ends.

The Staff is also concerned about the lack of windows on the right side elevation and the size of the windows that are included both of which create large sections of blank wall which is not compatible with the contributing house on the block face and the District in general. In addition, the Staff is concerned about the windows and doors on the front façade. In particular, the Staff finds that the two very small, square windows and French doors on the second level are not compatible with 603 Auburn Avenue or the District as a whole. It is also not clear what type and size light divisions might or might not be proposed for the front façade windows. Lastly, the rear façade, paired windows do not include trim between the window units. The Staff would recommend that the number of windows, their size, light divisions, trim, and their spacing be revised to be consistent and compatible with the contributing house on the block.

Notwithstanding its concerns about the overall design and massing of the house, the Staff is still concerned about the lack of windows on the right side elevation.

The Staff would retain its previous recommendation regarding the windows.

The Staff would recommend that all windows have simulated divided lights with light division permanently affixed to the glass and be double hung.

The Staff would further recommend that the French doors to the second level porch be removed from the design.

The French doors have been removed from the proposed design.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, cementitious siding, stucco foundation, and a stucco chimney are compatible with the District. However, it is not clear the material of the front door, front porch floor, and finish of the siding. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

The Staff would retain its previous recommendation about the materials.

The Staff would retain its previous recommendation regarding the materials and would note that among other requirements, the chimney must be faced in brick.

Lastly, the Staff would note that no left side elevation was included in the submission. The Staff would recommend that a left side elevation be submitted to the Staff for review.

A left elevation was included in the revised submission.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request does not meet the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends denial of an Application for a Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce rear yard setback from 10' (required) to 7' (proposed) at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the substantial exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends deferral of an application for a Type III Certificates of Appropriateness (CA3-13-350) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline to allow time for the Applicant to address the following concerns:

1. *The Applicant shall confirm their technique for measuring the front yard setback, per Section 16-20C.007(2)(b);*
2. *The front yard setback shall reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed, per Section 16-20C.007(2)(b);*
3. The Applicant shall document compliance with the side yard setback requirements, per Section 16-20C.007(2)(b);
4. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.008(2)(b)(6);
5. The Applicant shall document compliance with the District lot coverage requirements, per Section 16-20C.006(1)(a);
6. A compliant public sidewalk and curb cut shall be installed with the construction of the house, per Section 16-20C.007(1)(a) and 16-20C.009(3);
7. All mechanical equipment shall be shown on the site plan and shall meet the District regulations, per Section 16-20C.008(1)(d);
8. *The overall design and massing of the house shall more closely follow one of the houses on the comparison block face, per Section 16-20.008(1)(a);*
9. The number of windows, their size, light divisions, trim, and their spacing shall be revised to be consistent and compatible with the contributing house on the block, including but not limited to all windows shall have simulated divided lights with light division permanently affixed to the glass and be double hung, per Section 16-20C.008(1)(b) and 16-20C.008(2)(b);
10. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.008; and
8. The Applicant shall provide to the Staff revised plans and supporting documentation at least eight (8) days prior the Commission meeting to which this application is deferred.